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Name (Print/Type)

Margherita M. Badalamenti

Signature

*Margherita M. Badalamenti*

Date

April 8, 2004

Attorney's Docket No. 104362-1

**PATENT**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of

LASALLE R. SWENSON ET AL.

Serial No. 10/675,890

Filed: September 30, 2003

Descriptive Method for Determining a  
a Surface Property of a Solid

Examiner: Not yet assigned

Art Unit: 1743

**PETITION TO ESTABLISH PRIOR RECEIPT IN THE P.T.O. OF ITEM(S)  
CONSIDERED AS NOT RECEIVED BY THE P.T.O.**

**RESPONSE TO NOTICE OF INCOMPLETE APPLICATION**

Mail Stop Petitions  
Commissioner for Patents  
P.O. Box 1450  
Alexandria VA 22313-1450

Sir:

This is in response to the Notice of Incomplete Nonprovisional Application mailed for this application on March 17, 2004. A copy of the Notice of Incomplete Nonprovisional Application is enclosed.

Applicants assert that the items indicated as omitted, the drawings, were in fact deposited with the P.T.O. with the original application papers filed on September 30, 2003. In accordance with the requirements of the Notice of March 17, 2004, (see MPEP § 601.01(d), 7<sup>th</sup> Edition) applicants hereby (1) petition under 37 CFR 1.53(e) for a review of the determination that the items in issue were not deposited with the application; (2) submit the petition fee under 37 section 1.17(i) and (3) submit the attached evidence of the deposit of the items in issue. Authorization is hereby made to charge the amount of \$130.00 to Credit card as shown on the attached credit card information authorization form PTO-

Adjustment date: 06/01/2004 CKH/LK  
04/14/2004 WABDELRI 00000060 10675890  
01 FC:1460 -130.00 DP

Refund Ref: 0030016150  
06/01/2004

Credit Card Refund Total: \$130.00

VISA: XXXXXXXXXXXX7195

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04/14/2004 WABDELRI 00000060 10675890  
01 FC:1460 130.00 DP

2038. Charge any additional fees required by this paper or credit any overpayment in the manner authorized above. A duplicate of this paper is attached. It is respectfully requested that, upon grant of the petition under 37 CFR 1.53(e), the petition fee be refunded by a credit to the charge authorized above.

In connection with the Notice of Incomplete Nonprovisional Application dated March 17, 2004, applicants submit a photocopy of the date-stamped return post card receipt showing thereon that 12 sheets of formal drawing were in fact deposited on September 30, 2003 (See MPEP, § 503, 7<sup>th</sup> Edition). As a convenience to the Office, a second set of the 12 sheets of formal drawings are provided herewith.

In light of the evidence, applicants respectfully request that their petition be granted and that the present application be accorded a filing date of September 30, 2003.

Respectfully submitted,



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MM/mmb